IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1468 OF 2005

Sunil Shravan Suryavanshi ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Rajendra A. Shirodkar, for the Applicant.

Mr.R.Y. Mirza, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

7th March 2005

P.C.:

. Heard Counsel for the parties. Indeed, the prosecution case is that the Applicant after committing the offence of murder of his own wife straightaway went to the police station and made disclosure about the said offence which statement was recorded by the concerned constable on duty as F.I.R. The argument before this Court is that the statement so made by the Applicant will not

be admissible by virtue of section 25 of the Evidence Act. To get over this position, learned A.P.P. relied on statements of three other constables, who were incidentally present in the police station when the disclosure was made by the Applicant about the offence. However, that will not make any difference in view of the mandate of section 25 of the Evidence Act. Counsel for the Applicant has rightly pressed into service decision of the Mysore High Court reported in A.I.R. 1966 Mysore 199 (In re, Zahirabi); and decision of the Apex Court reported in A.I.R. 1966 S.C. 199 in the case of Aghnoo Nagesia v. State of Bihar.

. In the circumstances, as the Applicant has formidable defence and which will have to be tested at the trial, and that as investigation is already complete, the Applicant, in my opinion, is entitled for bail. Accordingly, this application is allowed on the following terms.

(A) The Applicant be enlarged on bail in connection with CR.No.56/2004 registered with Devlali Camp Police Station on

executing personal bond in the sum of Rs.10,000/- with two sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall not enter the jurisdiction of Devlali Camp Police Station, District Nasik, except for attending the Court proceedings on the specified dates.

(D) The Applicnt shall inform his place of residence to the investigating officer as well as the trial Court within one week from the date of release. Besides, the Applicant shall report to the nearest police station once in fortnight on Saturday between 10 a.m. to 2 p.m.

(E) The Applicant shall co-operate for early disposal of the trial. If the

trial Court is of the opinion that the Applicant is in any manner responsible for delaying the early disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. It is made clear that the trial Court will decide the case on its own merits in accordance with law uninfluenced by any observation made in this order which is only for the limited purpose of considering prayer for bail. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)